APPENDIX

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APPENDIX A

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 24-1707

T.M.; J.M.; A.M.,
PLAINTIFFS-APPELLANTS,

v.

UNIVERSITY OF MARYLAND MEDICAL SYSTEM CORPORATION; BALTIMORE WASHINGTON MEDICAL CENTER INCORPORATED; KATHLEEN MCCOLLUM, IN HER OFFICIAL CAPACITY AS PRESIDENT AND CEO OF BALTIMORE WASHINGTON MEDICAL CENTER, INC.; THOMAS J. CUMMINGS, JR., IN HIS PERSONAL AND OFFICIAL CAPACITY AS A MEDICAL PROFESSIONAL AT BALTIMORE WASHINGTON MEDICAL CENTER, INC.,
DEFENDANTS-APPELLEES,

AND

BE-LIVE-IT THERAPY LLC, TRADING AS FAMILY INTERVENTION PARTNERS; ANNE ARUNDEL COUNTY, OPERATING AS THE ANNE ARUNDEL CRISIS INTERVENTION TEAM, DEFENDANTS

Filed: June 4, 2025

Before: WYNN, RICHARDSON, and HEYTENS, Circuit Judges.

OPINION OF THE COURT

TOBY HEYTENS, Circuit Judge.

In 2005, the Supreme Court warned that lower courts had wrongly "construed" the *Rooker-Feldman* doctrine "to extend far beyond the contours of the *Rooker* and *Feldman* cases." *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 283 (2005). This Court got the message: In the two decades since, we have never, "in a published opinion, held that a district court lacked subject matter jurisdiction under the *Rooker-Feldman* doctrine." *Thana v. Board of License Comm'rs for Charles Cnty.*, 827 F.3d 314, 320 (4th Cir. 2016); see also *Jonathan R. by Dixon v. Justice*, 41 F.4th 316, 340 (4th Cir. 2022). That streak ends today. While remaining mindful of the need to avoid "overriding Congress' conferral of federal-court jurisdiction concurrent with jurisdiction exercised by state courts," *Exxon*, 544 U.S. at 283, we conclude this case is too much like *Rooker* to justify a different result.

We affirm the district court's judgment dismissing plaintiff T.M.'s claims for lack of subject matter jurisdiction and the other two plaintiffs' claims for failure to state a claim on which relief may be granted. We do, however, vacate the district court's dismissal of T.M.'s claims with prejudice and remand with instructions to modify the judgment to dismiss those claims without prejudice.

I.

The complaint alleges that T.M. has a medical condition that "causes changes in [her] mental status upon ingesting any amount of gluten" and can result in "episodes

of psychosis." JA 19-20. After one such episode in 2023, T.M. was taken to the emergency room at Baltimore Washington Medical Center. Although T.M. and her father asked to have T.M. voluntarily admitted to the facility, T.M. was involuntarily committed after an administrative hearing.

T.M.'s treating psychiatrist sought permission to forcibly inject T.M. with antipsychotic medication, which required approval from a clinical review panel. The panel approved the psychiatrist's request, and a Maryland administrative law judge affirmed the panel's decision after a hearing. Seeking to avoid forcible injection and secure her release from involuntary commitment, T.M. filed several lawsuits in state and federal court. Among them was a habeas action filed in Maryland state court.

While that habeas action was ongoing, T.M. and the medical center reached an oral agreement to release T.M. so long as she abided by certain conditions. That oral agreement was reflected in a written document that the judge in the habeas action signed and entered as a consent order. The consent order provided for T.M.'s immediate release from the medical center but required her to switch psychiatrists, continue taking medications prescribed by the hospital, and dismiss with prejudice her other lawsuits against the medical center and its employees. The consent order also directed T.M.'s parents (plaintiffs A.M. and J.M.) to encourage T.M. to take her medications and notify a particular mental health facility and a county mental health crisis team if she stopped doing so. The consent order was entered in the habeas action, and T.M. was then released.

Ten days after the state court entered the consent order, T.M. and her parents filed this lawsuit in federal

court claiming "that the 'Consent Order' " is "unconstitutional, unenforceable, and void *ab initio*." JA 48. The complaint asserts that "[t]he conditions to which T.M. was forced to agree to obtain her freedom in the 'Consent Order' are patently unconstitutional," and that "[e]nforcement of the 'Consent Order' in this case would require the State court to continue to deprive T.M. of her most fundamental right": "to determine what shall be done with [her] own body." JA 45, 47. It further alleges that T.M.'s agreed to the consent order "under duress." JA 44. The prayer for relief reads in full:

WHEREFORE, Plaintiffs pray that this Honorable Court grant the following relief:

a) Declare that the "Consent Order" violates the Maryland Declaration of Rights and the Due Process clause of the Fourteenth Amendment and is therefore unconstitutional, unenforceable, and void *ab initio*; and

b) Declare further that the "Consent Order" is also void and unenforceable because it was obtained under duress while T.M. faced the prospect of further unlawful confinement and forced injections of antipsychotic drugs; and

c) Grant preliminary and permanent injunctive relief preventing enforcement of the "Consent Order;" and

d) Grant any other further relief that this Honorable Court deems to be just and proper.

JA 48-49.

The district court dismissed the complaint. The court determined that T.M.'s claims were barred by the *Rooker-Feldman* doctrine and that it thus lacked subject matter

jurisdiction over them. The court concluded the parents' claims failed on the merits because "they have failed to state plausible claims for relief in their Complaint." JA 110. The court dismissed T.M.'s claims with prejudice and the parents' claims without prejudice.

II.

The district court correctly dismissed T.M.'s claims for lack of subject matter jurisdiction under the *Rooker-Feldman* doctrine.

A.

The Constitution creates "one supreme Court" and grants it "appellate Jurisdiction" over particular categories of cases "with such Exceptions, and under such Regulations as the Congress shall make." U.S. Const. art. III, §§ 1, 2. The Supreme Court's appellate jurisdiction includes the ability to review state court judgments. See, *e.g.*, *Martin v. Hunter's Lessee*, 14 U.S. 304, 327-60 (1816). That power is codified in 28 U.S.C. § 1257(a), which says the Supreme Court "may . . . review[ ]" "[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had" in situations "where any title, right, privilege, or immunity is specially set up or claimed under the [Federal] Constitution."

In contrast, Article III neither creates lower federal courts nor describes the nature or scope of their jurisdiction. For that reason—at least as a general matter—lower federal courts "can have no jurisdiction but such as [a] statute confers." *Sheldon v. Sill*, 49 U.S. 441, 449 (1850). Congress has given federal district courts "original jurisdiction" over "civil actions arising under the Constitution, laws, or treaties of the United States," 28 U.S.C. § 1331, and federal courts of appeals "jurisdiction" to hear "appeals from all final decisions of the district courts of the

United States," § 1291. It has also given district courts appellate jurisdiction over various orders by bankruptcy courts. See § 158(a). But no federal statute "authorize[s] district courts to exercise appellate jurisdiction over state-court judgments," even those that raise issues of—or are alleged to violate—federal law. *Verizon Md., Inc. v. Public Serv. Comm'n of Md.*, 535 U.S. 635, 644 n.3 (2002).

The *Rooker-Feldman* doctrine reflects and preserves that distribution of authority between the Supreme Court and lower federal courts. In *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), the plaintiff asked a federal district court to "declare[]" that an Indiana state court's judgment was "null and void" because it had been "rendered and affirmed in contravention of " the Federal Constitution. *Id.* at 414-15. The district court ruled it lacked jurisdiction over the plaintiff's claim, and the Supreme Court affirmed. See *id.* at 415-17. The Court explained that, under the federal jurisdictional statutes, "no court of the United States other than this court could entertain a proceeding to reverse or modify the [state-court] judgment" because "[t]o do so would be an exercise of appellate jurisdiction." *Id.* at 416; see *Lance v. Dennis*, 546 U.S. 459, 463 (2006) (per curiam) (describing *Rooker* as viewing the plaintiff's request for relief as "tantamount to an appeal of the Indiana Supreme Court decision").

Similarly, in *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983), two plaintiffs argued that the District of Columbia's highest court violated the Federal Constitution by denying their requests to be admitted to the D.C. bar without having attended an approved law school. See *id.* at 468-69 & n.3, 472. The Supreme Court held that "to the extent that" the plaintiffs were asking a federal district court to "review" the D.C. court's "denial of their petitions for waiver," the district court

"lacked subject matter jurisdiction" because "[r]eview of such determinations c[ould] be obtained only in [the Supreme] Court." *Id.* at 476, 482.

Over time, the *Rooker-Feldman* doctrine "lent itself to broad expansion." *RLR Investments, LLC v. City of Pigeon Forge*, 4 F.4th 380, 385 (6th Cir. 2021). Lower federal courts (including this one) applied *Rooker-Feldman* "as a one-size-fits-all preclusion doctrine," dismissing suits "whenever state court decisions and federal court decisions potentially or actually overlap[ped]." *Behr v. Campbell*, 8 F.4th 1206, 1208 (11th Cir. 2021) (first quote); *RLR Investments, LLC*, 4 F.4th at 385 (quotation marks removed) (second quote). In so doing, the doctrine "became a quasi-magical means of docket-clearing." Stephen I. Vladeck, *The Increasingly "Unflagging Obligation": Federal Jurisdiction After* Saudi Basic *and Anna Nicole*, 42 Tulsa L. Rev. 553, 563 (2007).

In *Exxon*, the Supreme Court ordered a course correction. The *Rooker-Feldman* doctrine, the Court explained, is not a "preclusion doctrine," nor does it "stop a district court from exercising subject-matter jurisdiction simply because a party attempts to litigate a matter previously litigated in state court." *Exxon*, 544 U.S. at 284, 293. Instead, the Court emphasized, the doctrine "is confined to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments." *Id.* at 284.

B.

This case bears an uncanny resemblance to *Rooker*. Here—as in *Rooker*—T.M. sued in federal district court

complaining about a state court judgment. Compare JA 48-49, with *Rooker*, 263 U.S. at 414. Here—as in *Rooker*—T.M. argued that the state court judgment itself violated the Federal Constitution. Compare JA 48, with *Rooker*, 263 U.S. at 414-15. And here—as in *Rooker*—T.M. asked a federal district court to declare the state court judgment "void" and "unenforceable." JA 48; see *Rooker*, 263 U.S. at 414 (plaintiff asked the federal district court to declare the state court judgment "null and void"). This case thus appears to present the "paradigm situation in which *Rooker-Feldman* precludes a federal district court from proceeding." *Exxon*, 544 U.S. at 293 (quotation marks removed).

This case also lacks any of the circumstances that led the Supreme Court to hold that the *Rooker-Feldman* doctrine did not apply in *Exxon*. To begin, here—unlike in *Exxon*—T.M. filed the relevant federal suit after the state court judgment she seeks to challenge had been entered. Compare JA 16 (stating that the consent order was entered 10 days before the complaint was filed), with *Exxon*, 544 U.S. at 289 (noting that the federal court action was filed more than two years before the state court's judgment). That difference matters. As *Exxon* explained, "neither *Rooker* nor *Feldman* supports the notion that properly invoked concurrent jurisdiction" of state and federal courts "vanishes if a state court reaches judgment on the same or related question while the case remains *sub judice* in a federal court." 544 U.S. at 292. But here—as in *Rooker* and *Feldman*—the "state-court judgment[]" T.M. asked the federal district court to enjoin was "rendered before the district court proceedings commenced." *Id.* at 284.

Just as important, T.M. *has* gone to federal court seeking "to undo" a state court judgment. *Exxon*, 544 U.S. at

293. Unlike the plaintiff in *Exxon*, T.M. did not sue in federal court because she sought to "protect [herself] in the event [she] lost in state court on grounds (such as the state statute of limitations) that might not preclude relief in the federal venue." *Id.* at 294. Nor did T.M. ask a federal court to relitigate issues that were previously decided in state court—a situation *Exxon* instructs is properly addressed via "principles of preclusion" rather than lack of subject matter jurisdiction. *Id.* at 293 (quotation marks removed). Instead, T.M. "invit[ed] district court review and rejection" of a state court judgment, *id.* at 284, by asking the district court to declare the state court's order "unconstitutional, unenforceable, and void *ab initio*" and to "[g]rant preliminary and permanent injunctive relief preventing [its] enforcement," JA 48. That is what *Rooker*, *Feldman*, and *Exxon* all say federal district courts lack the authority to do.

C.

T.M. does not meaningfully dispute anything we just said. Instead, she makes two sets of arguments. First, T.M. insists that three of the four conditions that *Exxon* identified for invoking the *Rooker-Feldman* doctrine are absent here. Second, T.M. seeks to expand the *Exxon* Court's statement of its own holding. We are not persuaded by either set of arguments.

1.

As previously noted, *Exxon* held that "[t]he *Rooker-Feldman* doctrine . . . is confined to cases" possessing four characteristics: those "[1] brought by state-court losers [2] complaining of injuries caused by state-court judgments [3] rendered before the district court proceedings commenced and [4] inviting district court review and rejection of those judgments." 544 U.S. at 284. T.M. never

denies that the third requirement is satisfied here, and it plainly is given the timing of the two actions. And despite T.M.'s contrary assertions, we conclude the other three requirements are satisfied too.

a.

Exxon's first requirement is satisfied because T.M. is a "state-court loser" for purposes of the *Rooker-Feldman* doctrine. *Exxon*, 544 U.S. at 284.

First, we agree with the Seventh Circuit that T.M.'s status as a state court loser is not altered because the state court judgment she attacks is a consent order rather than one entered after an adversarial proceeding. A consent order "is a judgment for purposes of *Rooker-Feldman*." *Johnson v. Orr*, 551 F.3d 564, 568 (7th Cir. 2008); accord Wright & Miller, 18A Fed. Prac. & Proc. Juris. § 4443 (3d ed. 2025). This is because a consent order "transform[s]" a private settlement agreement "into a judgment" that governs the parties' future relationship with the force of judicial authority rather than merely as a matter of contract. Wright & Miller § 4443 & n.1. And when a litigant claims to have been "injured by [an] agreed order," asserts "that the state court's judgment was in error," and asks a federal district court to "overturn" that order, that litigant is a state court loser for *Rooker-Feldman* purposes. *Johnson*, 551 F.3d at 569.

We are satisfied this is the correct result because T.M. has available to her the same state court remedies as any other state court loser. If T.M. wishes to challenge the legality of the consent order, she can "ask the [state courts] to set" it "aside." *Johnson*, 551 F.3d at 569. Maryland law would have permitted T.M. to ask the state habeas court to set aside the consent order, see Md. R. 3-535(b), and to appeal that order if the state habeas court declined to do

so, see *Pettiford v. Next Generation Tr. Serv.*, 226 A.3d 15, 27 (Md. 2020).[1] If those efforts proved unsuccessful, T.M. could seek review from the Supreme Court. See 28 U.S.C. § 1257(a). What T.M. may not do, however, is "avoid *Rooker-Feldman* simply by bypassing [the] state court[s]." *Johnson*, 551 F.3d at 569.

Our decision in *Del Webb Communities, Inc. v. Carlson*, 817 F.3d 867 (4th Cir. 2016), is not to the contrary. In that case, two buyers sued a seller in state court. *Id.* at 869. After the seller successfully moved to compel arbitration, the buyers filed a demand for class arbitration. *Id.* at 869-70. Before that question was resolved, the seller filed a suit in federal court seeking a declaratory judgment that the parties had not agreed to class arbitration. *Id.* at 870. We held that the seller was "not the state-court loser" because the only motion the seller ever filed in state court "was ultimately granted" *and* the federal court suit did "not challenge the state court decision." *Id.* at 872. In other words, the seller's federal suit neither asserted that any state court judgment was wrong nor sought to restrain the operation of any state court judgment. Here, by contrast, T.M. asserts that a preexisting state court judgment that she no longer wishes to be bound by is unconstitutional and asks a federal district court to enjoin its operation.

Second, we reject T.M.'s argument that she is not a state court loser because she "won in the [Maryland] Circuit Court on January 3, 2024 when Judge Pamela Albin

[1] These possibilities are not hypothetical. After filing this suit in federal court, T.M. also appealed the consent order to the Appellate Court of Maryland before seeking and obtaining a stay of that appeal pending the outcome of this one. As far as we know, that appeal remains pending.

ruled" that the medical center should not have involuntarily committed her in the first place. T.M. Br. 34. True, that ruling was a state court win. But that order is not the one T.M. now asserts is unconstitutional and asks a federal court to enjoin, nor was it even entered in the same underlying state court action. Instead, that order was entered in a different case, almost six months after the consent order that T.M. asked the district court to enjoin. Winning a different lawsuit whose result is not challenged here does not transform T.M. into a state court winner in the case whose outcome she now seeks to attack. We thus conclude *Exxon*'s first requirement is satisfied.

b.

We have largely explained why *Exxon*'s second and fourth requirements are satisfied—that is, why T.M. is "complaining of injuries caused by" a state court judgment and seeks "district court review and rejection of" that judgment. *Exxon*, 544 U.S. at 284. The complaint asserts that "[t]he Consent Order"—not the defendants' conduct or even the underlying oral agreement—"imposes clearly unconstitutional limits on T.M.'s ability to control her own healthcare forever." JA 13; accord JA 45, 46 & n.9 (asserting that "the 'Consent Order'" forces T.M. "to continue to take the antipsychotic drug cocktails prescribed for her by" one of the named defendants, "purports to control T.M.'s healthcare decisions," and "effectively restricts T.M.'s ability to travel"). And although it may sometimes be difficult to determine whether a plaintiff is asking a district court to "review and reject[ ]" a state court judgment, *Exxon*, 544 U.S. at 284, "there's no complexity when the litigant directly asks a federal district court to declare a state-court order to be unconstitutional and enjoin its enforcement," *RLR Investments, LLC*, 4 F.4th at 388 (quotation marks removed). That is

what T.M. has done here by asking the district court to "[d]eclare" that the consent order "violates the Maryland Declaration of Rights and the Due Process clause of the Fourteenth Amendment" and "[g]rant preliminary and permanent injunctive relief preventing [its] enforcement." JA 48.

On appeal, T.M. insists that this suit is really about injuries inflicted by the medical center rather than the consent order. That claim cannot be squared with the language of T.M.'s complaint, which is the document we examine to determine the source of a plaintiff's alleged injury and whether they seek review of a state court judgment. See *RLR Investments, LLC*, 4 F.4th at 388. If this complaint were truly directed at injuries that have been or will be caused by the medical center, we would expect it to seek remedies addressing those harms, including damages or an injunction forbidding the medical center's employees from taking some further action. But the complaint here never "requests" any such forms of "relief." *Id.* Instead, aside from a concluding request for "any other further relief that this Honorable Court deems to be just and proper," the complaint seeks three forms of declaratory and injunctive relief directed against "the 'Consent Order'" and its "enforcement." JA 48-49.[2] Granting such relief would require enjoining the operation of the

[2] In contrast, T.M. filed two other federal court actions that sought damages from the medical center. The first suit was filed before the consent order was entered and was voluntarily dismissed as required by the consent order. See *Doe v. University of Md. Med. Sys., Corp.*, No. 23-cv-01572 (D. Md. complaint filed June 9, 2023). The second suit was filed after the consent decree was entered and was dismissed by a different federal district court judge for failure to state a claim. See *Doe v. University of Md. Med. Sys. Corp.*, No. 23-cv-03318, 2024 WL 4236671 (D. Md. Sept. 18, 2024).

state court judgment—the precise remedy T.M. seeks to disclaim on appeal.

Shifting gears, T.M. also argues that this suit "seek[s] relief from a state administrative agency's determination that she could be lawfully committed involuntarily to [the medical center] under Maryland law." T.M. Br. 18. To be sure, the *Rooker-Feldman* doctrine would not have barred such a suit because state administrative decisions are "subject to challenge in an independent federal action" even if there is also a concurrent state action seeking review of that same administrative decision. *Thana*, 827 F.3d at 320-21.[3] But for reasons that should be familiar by now, this suit is not such a "concurrent, independent action." *Id.* at 321. The complaint that the district court dismissed under the *Rooker-Feldman* doctrine did not ask the court to review any state administrative action, nor did it ask the district court to provide any remedy directed at the state agency. Once again, T.M.'s arguments on appeal cannot be squared with the language of her complaint. We thus hold that *Exxon*'s second and fourth requirements are satisfied.

2.

T.M.'s remaining arguments are not based on any of the four criteria the Supreme Court listed when describing its own holding in *Exxon*. See 544 U.S. at 284. Instead, T.M.'s final two arguments seek to restrict the applicability of the *Rooker-Feldman* doctrine beyond *Exxon*'s stated parameters. We are not persuaded by either argument.

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[3] Indeed, T.M.'s first federal action also sought review of the state administrative judge's order affirming the clinical review panel's decision approving forcible injections. See note 2, *supra* (describing earlier federal court suits).

a.

T.M. insists that *Rooker-Feldman* does not apply because the doctrine is limited to suits where a federal court is asked to "exercise appellate jurisdiction over a final judgment from the highest court of a State in which the decision could be had" and there is no such judgment here. T.M. Br. 27 (quotation marks removed). In support of that argument, T.M. points to the Supreme Court's statement in *Exxon* that "[i]n both [*Rooker* and *Feldman*] the losing party in state court filed suit in federal court after the state proceedings ended," 544 U.S. at 291, and dicta in one of our published opinions stating that "*if*" we were to "apply strictly" one clause from one sentence in *Exxon*, "we *would* conclude that" the *Rooker-Feldman* doctrine is limited in the way T.M. proposes, *Thana*, 827 F.3d at 321 (emphasis added).[4] But *Thana* never answered that question, so it remains open for us. See 827 F.3d at 322-23 (listing five "reasons supporting [the Court's] conclusion" and identifying a different one as "more fundamental"). Having carefully considered the matter—and acknowledging the contrary views of other circuits—we agree with the Sixth and Eighth Circuits that *Rooker-Feldman* is not limited to situations when a federal court plaintiff no longer has any recourse within the state system. See *RLR Investments, LLC*, 4 F.4th at 389-95; *Parker Law Firm v.*

[4] T.M. errs in twice quoting *Jonathan R. by Dixon v. Justice*, 41 F.4th 316, 341 (4th Cir. 2022), as saying that the "*Rooker-Feldman* doctrine applies [only to final] state court decisions, not ongoing state court proceedings." T.M. Br. 10; see T.M. Reply Br. 4. The bracketed words "only to final" are not contained in either *Jonathan* or the one-paragraph unpublished decision that *Jonathan* quotes. Instead, the original language says *Rooker-Feldman* applies to "state court decisions" rather than "only to final state court decisions." *Jonathan*, 41 F.4th at 341 (quoting *Jones v. McBride*, No. 21-6218, 2022 WL 670873, at *1 (4th Cir. Mar. 7, 2022) (per curiam)).

Travelers Indem. Co., 985 F.3d 579, 584 (8th Cir. 2021); see also *RLR Investments, LLC*, 4 F.4th at 391-92 & n.6 (citing decisions reaching other views).

As noted several times already, the *Exxon* Court outlined the requirements for invoking the *Rooker-Feldman* doctrine at the beginning of its opinion in language prefaced by the words "we hold." 544 U.S. at 284. And when it did so, the Court did not say that the doctrine applied only to judgments issued by state high courts or judgments for which no further review could be had within the state system—it said "state-court judgments." *Id.*; see *RLR Investments, LLC*, 4 F.4th at 392 (noting that the Supreme Court has used the word "decision" in several post-*Exxon* cases). In contrast, the language on which T.M. relies came later in the Court's opinion, when it summarized *Rooker* and *Feldman* and explained why they both "exhibit the limited circumstances in which" the *Rooker-Feldman* doctrine operates. *Exxon*, 544 U.S. at 291. To be sure, the Court had stated seven pages earlier—in its "we hold" sentence—that "[t]he *Rooker-Feldman* doctrine . . . is confined to cases of the kind from which the doctrine acquired its name." *Id.* at 284. But that statement was immediately followed by a colon, after which the Court explained what it meant. *Id.* And as the Supreme Court has explained: "[T]he first rule of case law as well as statutory interpretation is: Read on." *Arkansas Game & Fish Comm'n v. United States*, 568 U.S. 23, 36 (2012). We thus conclude that *Exxon* does not mandate a stealth fifth requirement for invoking the *Rooker-Feldman* doctrine. See *RLR Investments, LLC*, 4 F.4th at 392-94; see also *Lance*, 546 U.S. at 464 (quoting *Exxon*'s "we hold" language verbatim, without listing any other requirements).

Nor does 28 U.S.C. § 1257(a)—the law that forms part of the basis for the *Rooker-Feldman* doctrine—require a

different result. True, that statute only gives the Supreme Court appellate jurisdiction over decisions "rendered by the highest court of a State in which a decision could be had." 28 U.S.C. § 1257(a). But the fact that Congress declared that even our Nation's "one supreme Court" lacks appellate jurisdiction over state court decisions from which review may still be had within the State's own judicial system does not mean that "inferior [federal] Courts" somehow gain appellate jurisdiction over those same decisions. U.S. Const. art. III, § 1. Instead, the combination of Section 1257(a) and Congress's failure to give lower federal courts any appellate jurisdiction over state court judgments means that *no* federal court has jurisdiction to review such decisions. See *Verizon Md.*, 535 U.S. at 644 n.3 ("The *Rooker-Feldman* doctrine merely recognizes that 28 U.S.C. § 1331 is a grant of original jurisdiction, and does not authorize district courts to exercise appellate jurisdiction over state-court judgments, which Congress has reserved to [the Supreme] Court.").

b.

T.M.'s final argument is that the portion of the complaint asserting she agreed to the consent order under duress should survive dismissal because that claim challenges "the process by which the state court decision[] resulted" rather than "the state court decision[]" itself. T.M. Br. 24 (quotation marks removed). Here too, we are unpersuaded.

T.M.'s argument leans heavily on the Second Circuit's decision in *Sung Cho v. City of New York*, 910 F.3d 639 (2018). In that case, a group of homeowners and businessowners sued in federal court, asserting that government attorneys brought state court eviction actions against them and then coerced them into entering "settlement agreements" waiving their constitutional rights. *Id.*

at 641, 643-45. The Second Circuit held that the *Rooker-Feldman* doctrine did not bar the plaintiffs' suit, even though "each of the [settlement] agreements was 'so-ordered' by" state court judges without any other "state-court proceedings." *Id.* at 643. The court concluded that the plaintiffs' injuries had not been "*caused* by a state-court judgment"—*Exxon*'s second requirement—because an examination of the complaints revealed that the injuries about which the plaintiffs complained flowed from "the *agreements themselves* and the conduct that led to them—not the judgments so-ordered by the state court." *Id.* at 646.

This case differs in critical respects. Unlike in *Sung Cho*, T.M.'s complaint does not allege that the parties ever signed a settlement agreement that became "legally binding" before and absent any court order, *Sung Cho*, 910 F.3d at 647, nor did T.M. attach any such document to the complaint. And despite a single reference to an "agreement," JA 46, we conclude that T.M.'s complaint cannot plausibly be read as attacking a settlement agreement that exists independently of the consent order.

A comparison between the remedies requested in *Sung Cho* and this case clinches the point. In *Sung Cho*, the homeowners asked the federal district court to grant relief against the "defendants" by "enjoin[ing] [them] from enforcing the [settlement] agreements, to declare the 'agreements exacted' to be 'unconstitutional, invalid, and unenforceable,' and to award nominal damages." 910 F.3d at 643-44. Here, in contrast, the only specific forms of relief requested in T.M.'s complaint all would act di-

rectly on "the 'Consent Order' " entered by the state habeas court. JA 48. We thus hold that the *Rooker-Feldman* doctrine bars the claims pled in T.M.'s complaint.[5]

III.

We turn to the claims brought by T.M.'s parents. The *Rooker-Feldman* doctrine does not affect the district court's jurisdiction over those claims because the parents were not parties to the state habeas action, and *Rooker-Feldman* "has no application to a federal suit brought by a nonparty to the state suit." *Exxon*, 544 U.S. at 287. We nonetheless conclude that the district court correctly dismissed the parents' claims for failure to state a claim on which relief can be granted.

As they did before the district court, the parents argue that the consent order violates their First Amendment rights by compelling their speech. T.M. Br. 37-40. But as the district court noted, "these allegations—or any facts to support them—are missing from the [c]omplaint." JA 110. Although the plaintiffs' appellate brief block quotes several paragraphs from the complaint, the quoted language confirms that the complaint never asserts that the consent order violates the parents' First Amendment rights. This is unlike the case around which the plaintiffs build their entire argument on appeal—*Johnson v. City of*

[5] In her reply brief, T.M. insists that—despite what the complaint says—her real injury is "the coerced loss of her constitutional rights," which "arose from the settlement agreement itself." T.M. Reply Br. 4 (emphasis removed). But any suit seeking to remedy harms T.M. has already suffered would have to be for damages, not an injunction, see *City of Los Angeles v. Lyons*, 461 U.S. 95, 105 (1983), and—unlike the complaint in *Sung Cho*—the one we are reviewing here does not seek damages. As noted previously, T.M. filed two other complaints that did seek damages. See note 2, *supra*.

Shelby, 574 U.S. 10 (2014) (per curiam)—where the complaint expressly alleged "violations of [the plaintiffs'] Fourteenth Amendment due process rights." *Id.* at 10. Thus, the district court correctly concluded the parents failed to state a claim on which relief can be granted.[6]

To say that few claims warrant dismissal under the *Rooker-Feldman* doctrine is not to say that none do, and we conclude that T.M.'s claims fit the bill. That said, because the *Rooker-Feldman* doctrine is one "of subject-matter jurisdiction," *Exxon*, 544 U.S. at 284, we vacate in part and remand with instructions to modify the judgment to state that T.M.'s claims are dismissed without prejudice. See *Southern Walk at Broadlands Homeowner's Ass'n v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 185 (4th Cir. 2013) ("A suit dismissed for lack of jurisdiction cannot *also* be dismissed with prejudice" because a dismissal with prejudice is "a disposition on the merits, which only a court with jurisdiction may render." (quotation marks removed)). The judgment is affirmed in all other respects.

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[6] On appeal, the parents also argue that the complaint stated a valid claim that—regardless of whether the consent order violated their First Amendment rights—it could not be enforced against them because they were not parties to the habeas action. But the district court never considered that question, and, having reviewed the plaintiffs' opposition to the defendants' motion to dismiss, we conclude that the parents never raised that as a separate argument before the district court. "[I]f a party wishes to preserve an argument for appeal, the party must press and not merely intimate the argument during the proceedings before the district court." *In re Under Seal*, 749 F.3d 276, 287 (4th Cir. 2014) (quotation marks removed).

APPENDIX B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

No. SAG-23-01684

T.M. ET AL., PLAINTIFFS,

v.

UNIVERSITY OF MARYLAND MEDICAL SYSTEM CORPORATION ET AL., DEFENDANTS

Filed: July 23, 2024

MEMORANDUM OPINION

Plaintiff T.M., alongside her parents, J.M. and A.M. (collectively, "Plaintiffs"), bring this action against University of Maryland Medical System Corporation ("UMMSC"), the Baltimore Washington Medical Center ("BWMC"), and two individuals (collectively, "Defendants"),[1] alleging that a state court consent order violates T.M.'s federal and state constitutional rights and should be void and unenforceable. ECF 1. Defendants have filed

[1] Plaintiffs also brought this action against Anne Arundel County and Be-Live-It Therapy LLC. On January 22, 2024, the Court dismissed Anne Arundel County from this action. ECF 64. On April 26, 2024, the Clerk of Court entered default as to Be-Live-It Therapy LLC. ECF 76.

a motion to dismiss, ECF 40, which Plaintiffs opposed, ECF 47. Defendants then filed a reply, ECF 65, to which Plaintiffs filed a surreply, ECF 72. The Court has carefully reviewed the filings and finds that no hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2023). For the reasons explained below, Defendants' motion to dismiss will be **GRANTED** with prejudice as to T.M.'s claims and without prejudice as to J.M.'s and A.M.'s claims.

I. BACKGROUND

The facts described herein are derived from Plaintiffs' Complaint and are taken as true for purposes of this motion. T.M. has been diagnosed with Hashimoto's Thyroiditis and Non-Celiac Gluten Sensitivity, which causes changes to her mental status when she ingests any amount of gluten. ECF 1 ¶ 28. On March 23, 2023, T.M. accidentally ingested gluten, triggering a psychotic episode that resulted in a police escort to BWMC. *Id.* ¶¶ 41-42. Despite a request for voluntary admission, T.M. was involuntarily admitted to BWMC after an administrative hearing on April 11, 2023. *Id.* ¶¶ 57-58, 61, 63. During the administrative hearing, an administrative law judge heard testimony from Dr. Thomas Cummings, Jr., M.D., who treated T.M. at BWMC and opined that T.M. was "very impaired cognitively," and that T.M.'s father, J.M., was coercing his daughter to request voluntary admission. *Id.* ¶¶ 64-65. Following the administrative hearing, Dr. Cummings and BWMC scheduled a clinic review panel and obtained a panel order to forcibly inject T.M. with antipsychotic medications. *Id.* ¶ 78. T.M. immediately appealed the panel order and another administrative hearing was scheduled for April 25, 2023. *Id.* ¶ 81. But before that hearing, Defendants voluntarily withdrew their request for forcible injections because T.M. commenced ingesting medications after the clinic review panel. *Id.* ¶ 84.

Nonetheless, on April 24, 2023, Dr. Cummings attempted to inject T.M. *Id.* ¶¶ 86, 88. When T.M. refused, Dr. Cummings re-scheduled a clinic review panel for April 27, 2023. *Id.* ¶ 89–90. The panel affirmed Dr. Cummings's renewed request for forcible injection, which T.M. then appealed. *Id.* ¶¶ 104, 111. At another hearing on May 2, 2023, Dr. Cummings testified that forcible injection was necessary because T.M. was unwilling to orally ingest her medications and was unwilling to shower. *Id.* ¶¶ 115, 124. The administrative law judge affirmed the panel's finding, determining that BWMC complied with statutory requirements for requesting and imposing forcible injections. *Id.* ¶ 128.

On May 24, 2023, Dr. Erik Messamore, a psychiatric physician and professor of psychiatry, remotely interviewed T.M. and described her general appearance and behavior in the interview as "pleasant and cooperative" with no evidence of psychosis. *Id.* ¶¶ 157, 160; ECF 2 at 4-55. After the interview and upon his review of T.M.'s recent hospitalization records, Dr. Messamore opined that T.M.'s condition markedly improved and did not "fulfill criteria for inpatient care." ECF 2 at 7; ECF 1 ¶ 164. Dr. Messamore's findings were corroborated by another psychiatrist who personally observed T.M. on April 21, 2023, and May 1, 2023, and concluded that she "no longer appeared actively psychotic." ECF 1 ¶¶ 167-69; ECF 2-15.

T.M. soon thereafter filed lawsuits in state and federal court in an effort to secure her release from BWMC. One of the federal lawsuits, filed in this Court, alleged that Defendants were unlawfully detaining T.M. against her will, and it sought an emergency motion for a temporary restraining order. *See* Emergency Mot. for TRO and Prelim. Inj., *Doe v. Univ. of Md. Med. Sys. Corp.*, Civ. No. SAG-23-1572 (D. Md. June 9, 2023). This Court scheduled

a hearing on the emergency motion on June 13, 2023, but immediately prior to the hearing, the parties reached a Consent Order in a simultaneous habeas action in state court, resolving their dispute. *See* ECF 2-1. T.M. then moved to cancel the June 13, 2023, hearing and later dismissed the initial federal action. *See* Notice of Dismissal with Prejudice, *Doe v. Univ. of Md. Med. Sys. Corp.*, Civ. No. SAG-23-1572 (D. Md. June 26, 2023).

The state court Consent Order provided for T.M.'s immediate release from BWMC subject to various conditions, including that she (1) obtain a new treating psychiatrist and continue to take her hospital-prescribed medications; (2) regularly meet and consult with a third-party provider regarding her treatment and medication; (3) accept a referral to the Anne Arundel Crisis Intervention Team ("AACIT") and follow their recommendations; (4) take all prescribed medications; and (5) dismiss with prejudice all of her pending actions against UMMSC, BWMC, and their employees. ECF 2-1. The Consent Order also ordered that J.M. and A.M. (1) monitor and remind T.M. of her obligations to take her prescribed medications; (2) immediately notify the AACIT and the third-party provider if she did not comply with her medication obligations; and (3) dismiss with prejudice their pending actions against BWMC, UMMSC, its employees and its attorneys. *Id.* A state court judge and five attorneys representing T.M. signed the Consent Order. *Id.* T.M. was then released from BWMC.

II. PROCEDURAL HISTORY

Just ten days later, with entirely different counsel, T.M., along with A.M. and J.M., commenced this second federal action on June 22, 2023, alleging that the Consent Order had been entered under duress and violated the Maryland Declaration of Rights and the Due Process

Clause of the Fourteenth Amendment. ECF 1 ¶¶ 188-99. Plaintiffs seek a declaratory judgment that the Consent Order is unconstitutional and unenforceable and request injunctive relief against its enforcement. *Id.* at 39. Initially, this Court questioned its jurisdiction to rule on the validity of a state court Consent Order and ordered briefing from the parties explaining why the instant case was properly in federal court. ECF 10. Plaintiffs defended jurisdiction by asserting that neither the *Rooker-Feldman* doctrine nor any doctrine of abstention applied, ECF 17, but before the Court issued its ruling on jurisdiction, it became aware that T.M. also appealed the state court Consent Order to the Appellate Court of Maryland on June 28, 2023, ECF 21; *see* ECF 17 at 8 n.5. In light of the seemingly identical issues raised in the state court appeal, the Court ordered and received additional briefing on relevant abstention doctrines. ECF 24, 25, 26. After review, the Court concluded that abstention was inappropriate, ECF 27, but made no explicit findings with respect to the *Rooker-Feldman* doctrine. The Court then proceeded to consider Plaintiffs' motion for a temporary restraining order, ECF 6, eventually denying it at a hearing on September 5, 2023, ECF 34. Defendants then filed the instant motion to dismiss on October 23, 2023. ECF 40.

Unbeknownst to this Court, on October 31, 2023, T.M. requested a stay of the pending state court appeal pending the outcome of this federal case. ECF 81-1. The Appellate Court of Maryland entered the stay on November 3, 2023, ECF 79, and T.M. twice requested the stay be extended while this action remains open, ECF 81-2, 81-3. The Court first learned of the stay in recent correspondence with the parties. ECF 81.

III. *ROOKER-FELDMAN* DOCTRINE

A. Legal Standard

The *Rooker-Feldman* doctrine bars "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting [federal] court review and rejection of those judgments." *Thana v. Bd. of License Comm'rs for Charles Cnty.*, 827 F.3d 314, 319 (4th Cir. 2016) (internal quotation marks omitted) (quoting *Lance v. Dennis*, 546 U.S. 459, 464 (2006)). "[J]urisdiction to review such decisions lies exclusively with superior state courts and, ultimately, the United States Supreme Court." *Plyler v. Moore*, 129 F.3d 728, 731 (4th Cir. 1997); *see* 28 U.S.C. § 1257. This Court has an independent obligation to examine whether *Rooker-Feldman* precludes its adjudication of a pending claim. *See Hertz Corp. v. Friend*, 559 U.S. 77, 94 (2010) (observing that federal courts have "an independent obligation to determine whether subject-matter jurisdiction exists, even when no party challenges it"); *see also Brickwood Contractors, Inc. v. Datanet Eng'g, Inc.*, 369 F.3d 385, 390 (4th Cir. 2004) ("[Q]uestions of subject-matter jurisdiction may be raised at any point during the proceedings and may (or, more precisely, must) be raised *sua sponte* by the court.").

The Supreme Court has long recognized that the jurisdiction of district courts is "strictly original," such that they may not entertain petitions for relief from allegedly unconstitutional state judgments. *Rooker v. Fid. Tr. Co.*, 263 U.S. 413, 414-16 (1923) (federal district court properly concluded that it could not entertain parties' petition to declare state court judgment "null and void"). In analyzing a complaint, district courts must endeavor to separate and preserve claims that survive judicial inspection from

those that fail the jurisdictional threshold. *See Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 286 (2005). Courts may properly analyze challenges to state rules, laws, and regulations, but only insofar as the analysis "do[es] not necessarily require a United States District Court to review a final state court judgment in a judicial proceeding." *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 486 (1983); *see also id.* (federal district courts "do not have jurisdiction, however, over challenges to state court decisions in particular cases arising out of judicial proceedings even if those challenges allege that the state court's action was unconstitutional"). The Supreme Court has emphasized the narrow scope of *Rooker-Feldman*. *See Exxon Mobil Corp.*, 544 U.S. at 292. Federal district courts do not lack jurisdiction merely because "a party attempts to litigate in federal court a matter previously litigated in state court." *Id.* at 293. Rather, *Rooker-Feldman* is confined to "cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the federal district court proceedings commenced and inviting district court review and rejection of those judgments." *Id.* at 284; *see also Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994); *Adkins v. Rumsfeld*, 464 F.3d 456, 464 (4th Cir. 2006). As such, the *Rooker-Feldman* doctrine applies only when: "(1) the federal court plaintiff lost in state court; (2) the plaintiff complains of 'injuries caused by state-court judgments;' (3) the state court judgment became final before the proceedings in federal court commenced; and (4) the federal plaintiff 'invit[es] district court review and rejection of those judgments.'" *Willner v. Frey*, 243 F. App'x 744, 746 (4th Cir. 2007) (quoting *Exxon Mobil Corp.*, 544 U.S. at 284).

B. Analysis

T.M.'s claims satisfy *Rooker-Feldman*'s four conditions.[2] First, she qualifies as a "state-court loser," complaining of injuries suffered in state court. *Exxon Mobil Corp.*, 544 U.S. at 284. T.M. was a party to the state court action, has specifically alleged that the Consent Order deprived her of her constitutional rights, and seeks a declaration that it is void and unenforceable. This is enough to find a "loss" in state court, despite the apparent agreement between T.M. and the Defendants. *See Dockery v. Heretick*, Civ. No. 17-4114, 2019 WL 2122988, at *9 (E.D. Pa. May 14, 2019) (recognizing that a state court proceeding need not be adversarial to be barred by *Rooker-Feldman*); *accord Crawford v. Adair*, Civ. No. 3:08CV281, 2008 WL 2952488, at *2 (E.D. Va. July 29, 2008); *see also Hartford Life Ins. Co. v. Solomon*, 910 F. Supp. 2d 1075, 1081-82 (N.D. Ill. 2012) (noting that a plaintiff "did not lose in the conventional sense" when the state court approved an agreement between the parties, "[b]ut if he had had second thoughts about the deal he struck . . . and attempted to sue in federal court to overturn the order approving the [agreement], he could not have avoided *Rooker-Feldman* by claiming that he was not a 'state-court loser'"); *Johnson v. Orr*, 551 F.3d 564, 568-70 (7th Cir. 2008) (finding that *Rooker-Feldman* barred a plaintiff's suit that sought to overturn an agreed-upon state court order based on alleged violations of his constitutional rights).

Second, T.M.'s claims plainly attack the Consent Order itself, not the underlying conduct of Defendants. *See Davani v. Va. Dep't of Transp.*, 434 F.3d 712, 719 (4th Cir.

[2] Her parents' claims do not, as they were not parties to the state court action resulting in the Consent Order. Their claims will be addressed in the Rule 12(b)(6) analysis below.

2006) (explaining that *Rooker-Feldman* did not apply where a plaintiff brought "independent" claims of unlawful discrimination (citing *Exxon Mobil Corp.*, 544 U.S. at 293)). Her Complaint alleges that the Consent Order "purports to control T.M.'s healthcare decisions" and therefore violates the Maryland Declaration of Rights and the Due Process Clause of the Fourteenth Amendment. ECF 1 ¶ 188. She also makes clear that the instant action "does not question the constitutionality of T.M.'s treatment while involuntarily committed; rather this case challenges the Consent Order which applies **after** T.M.'s release from the BWMC." ECF 47 at 24 (emphasis in original); *see Johnson*, 551 F.3d at 568 ("To determine whether *Rooker-Feldman* bars a claim, we look beyond the four corners of the complaint to discern the *actual injury* claimed by the plaintiff." (emphasis in original) (citation omitted)). That T.M. "do[es] not challenge any action taken *pursuant* to the Consent Order" makes no difference. ECF 17 at 7 (emphasis in original). When a plaintiff claims constitutional or other injuries suffered upon entry of a state consent order, she is claiming that a state court judgment caused her injury.[3] *See Johnson*, 551 F.3d at 568 ("[Plaintiff's] injury . . . was caused by the agreed order. He cannot avoid the *Rooker-Feldman* bar by alleging that he suffered this injury as a result of violations of his constitutional rights."); *Efreom v. McKee*, 46 F.4th 9, 18 (1st Cir. 2022), *cert. denied*, 143 S. Ct. 576 (2023) ("[Plaintiffs']

[3] The Court also easily concludes that the Consent Order is a judgment for purposes of *Rooker-Feldman*. *See Johnson*, 551 F.3d at 570 ("A settlement approved by a state court is a judgment for purposes of *Rooker-Feldman*." (citing *Crestview Vill. Apartments v. U.S. Dep't of Hous. & Urb. Dev.*, 383 F.3d 552, 556 (7th Cir. 2004))); *Efreom v. McKee*, 46 F.4th 9, 18 n.8 (1st Cir. 2022), *cert. denied*, 143 S. Ct. 576 (2023) (citing *Crestview* and assuming, without deciding, that a settlement agreement was a final judgment under *Rooker-Feldman*).

attempt to undo the state-court rulings approving the settlement is precisely the sort of 'end-run around a final state-court judgment' that the *Rooker-Feldman* doctrine proscribes." (citation omitted)); *see also Crawford*, 2008 WL 2952488, at *2; *Anderson v. Chesley*, Civ. No. 2:10-116-DCR, 2011 WL 3319890, at *3-*5 (E.D. Ky. Aug. 1, 2011); *Delfrate v. Shanner*, 229 F.3d 1151 (Table), 2000 WL 1206584, at *2 (6th Cir. Aug. 17, 2000).

Third, the Court finds that the Consent Order has become sufficiently final to trigger *Rooker-Feldman* as to T.M.'s claims. There is no doubt that this federal action commenced after the circuit court entered the Consent Order, but T.M.'s appeal to the Appellate Court of Maryland made it unclear, at least initially, whether the Consent Order had become final for purposes of applying *Rooker-Feldman*. Indeed, when T.M. first brought the appellate case to the attention of this Court on July 3, 2023, she persuasively argued that *Rooker-Feldman* could not apply to a pending state appeal that remained "on track for potential review by the U.S. Supreme Court." ECF 17 at 8 (quoting *Thana v. Bd. of License Comm'rs for Charles Cnty.*, 827 F.3d 314, 322 (4th Cir. 2016)).

However, this Court no longer finds that argument persuasive in light of the stay of the pending state appeal. That appeal now awaits resolution of this federal case and is no longer "on track for potential review by the U.S. Supreme Court." *Thana*, 827 F.3d at 322; *see Federacion de Maestros de P.R. v. Junta de Relaciones del Trabajo de P.R.*, 410 F.3d 17, 24 (1st Cir. 2005) (noting that if the state action has reached a point where neither party seeks further action, then the state proceedings have functionally "ended" for purposes of *Rooker-Feldman*). Moreover, the record demonstrates that T.M. herself "sought to bypass

the Supreme Court's appellate jurisdiction under 28 U.S.C. § 1257(a)" by requesting and obtaining the stay of the state appeal. *Id.* at 321; *see* ECF 81-1. In this circumstance, then, she has "frustrate[d] the Supreme Court's exclusive jurisdiction over" the state court judgment, *Thana*, 827 F.3d at 321, and has impermissibly attempted to circumvent the state system to seek review of the unfavorable state judgment in this federal court of first instance, *see Exxon Mobil Corp.*, 544 U.S. at 283-84.[4] In other words, T.M. would have this federal court effectively entertain an appeal of a state court judgment that

[4] The Court is no longer persuaded that the pending state appeal, even if it had not been stayed, would necessarily foreclose applying *Rooker-Feldman* to T.M.'s claims. As this Court recognized previously, the Fourth Circuit has not specifically determined whether orders pending appeal from a state trial court are sufficiently final as to fall within *Rooker-Feldman*. *Accohannock Indian Tribe v. Tyler*, Civ. No. SAG-21-02550, 2021 WL 5909102, at *18 (D. Md. Dec. 14, 2021). *Compare Horowitz v. Cont'l Cas. Co.*, 681 F. App'x 198, 200 (4th Cir. 2017) (per curiam) (affirming without discussion the district court's dismissal of *Rooker-Feldman* of a state court judgment pending appeal to the Maryland Court of Special Appeals), *with Thana*, 827 F.3d at 321 (musing that "if we apply strictly the Supreme Court's instruction . . . we would conclude that the doctrine does not apply here because the district court here was not called upon to exercise appellate jurisdiction over a final judgment from 'the highest court of a State in which a decision could be had'" (emphasis omitted) (internal citations omitted)). This Court also found persuasive that district courts in this circuit have extended *Rooker-Feldman* to non-final orders from state trial courts. *Accohannock Indian Tribe,* 2021 WL 5909102, at *18 (citing *Field Auto City, Inc. v. Gen. Motors Corp.*, 476 F. Supp. 2d 545, 553 (E.D. Va.), *aff'd*, 254 F. App'x 167 (4th Cir. 2007); *see also RLR Invs., LLC v. City of Pigeon Forge*, 4 F.4th 380 (6th Cir. 2021). However, this Court need not and does not decide here whether a pending unstayed state appeal forecloses *Rooker-Feldman*. It simply notes that the purpose of *Rooker-Feldman*—to prevent de facto appeals from state courts to federal courts—is likely implicated here, regardless of the stay of the state appeal.

is presently insulated from all further state court review. Because federal district courts are empowered to exercise original, not appellate, jurisdiction over state court judgments, T.M.'s claims must be "properly dismissed for want of subject-matter jurisdiction." *Id.*

Fourth and finally, T.M.'s claims "specifically invite district court review and rejection of a state-court judgment." *Accohannock Indian Tribe v. Tyler*, Civ. No. SAG-21-02550, 2021 WL 5909102, at *18 (D. Md. Dec. 14, 2021) (quoting *Hulsey v. Cisa*, 947 F.3d 246, 250 (4th Cir. 2020)). She specifically requests a declaration that the Consent Order is "unconstitutional, unenforceable, and void *ab initio*" and a permanent injunction against its enforcement. ECF 1 at 39; *see Rooker*, 263 U.S. at 414 (noting that the plaintiff sought "to have a judgment of a circuit court in Indiana, which was affirmed by the Supreme Court of the state, declared null and void"); *Crawford*, 2008 WL 2952488, at *2 (finding that the plaintiff "complain[ed] about the signing of the Consent Order, the settlement, and her counsel" and was "clearly requesting district court review and rejection of the judgment of the [state] [c]ircuit [c]ourt" (internal quotation marks and citation omitted)). If T.M. believes the state court was wrong to enter the Consent Order or that she entered it under duress, her options are to ask the state circuit court to set aside its own Consent Order or to continue to her appeal in the state system. Because her relief lies in the state courts, she cannot avoid *Rooker-Feldman* simply by bypassing those courts. *Johnson*, 551 F.3d at 569. Accordingly, T.M.'s claims must be dismissed with prejudice for lack of subject matter jurisdiction.

IV. RULE 12(B)(6) MOTION TO DISMISS A.M.'S AND J.M.'S CLAIMS

A. Legal Standard

A defendant is permitted to test the legal sufficiency of a complaint by way of a motion to dismiss. *See, e.g.*, *In re Birmingham*, 846 F.3d 88, 92 (4th Cir. 2017); *Goines v. Valley Cmty. Servs. Bd.*, 822 F.3d 159, 165-66 (4th Cir. 2016). A Rule 12(b)(6) motion constitutes an assertion by a defendant that, even if the facts alleged by a plaintiff are true, the complaint fails as a matter of law "to state a claim upon which relief can be granted."

Whether a complaint states a claim for relief is assessed by reference to the pleading requirements of Rule 8(a)(2), which provides that a complaint must contain a "short and plain statement of the claim showing that the pleader is entitled to relief." The purpose of the rule is to provide the defendants with "fair notice" of the claims and the "grounds" for entitlement to relief. *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555-56 (2007).

To survive a motion under Fed. R. Civ. P. 12(b)(6), a complaint must contain facts sufficient to "state a claim to relief that is plausible on its face." *Id.* at 570; *see Ashcroft v. Iqbal*, 556 U.S. 662, 684 (2009) ("Our decision in *Twombly* expounded the pleading standard for 'all civil actions' . . . ." (citation omitted)); *see also Willner v. Dimon*, 849 F.3d 93, 112 (4th Cir. 2017). However, a plaintiff need not include "detailed factual allegations" in order to satisfy Rule 8(a)(2). *Twombly*, 550 U.S. at 555. Further, federal pleading rules "do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted." *Johnson v. City of Shelby*, 574 U.S. 10, 11 (2014) (per curiam).

Nevertheless, the rule demands more than bald accusations or mere speculation. *Twombly*, 550 U.S. at 555; *see Painter's Mill Grille, LLC v. Brown*, 716 F.3d 342, 350 (4th Cir. 2013). If a complaint provides no more than "labels and conclusions" or "a formulaic recitation of the elements of a cause of action," it is insufficient. *Twombly*, 550 U.S. at 555. Rather, to satisfy the minimal requirements of Rule 8(a)(2), the complaint must set forth "enough factual matter (taken as true) to suggest" a cognizable cause of action, "even if . . . [the] actual proof of those facts is improbable and . . . recovery is very remote and unlikely." *Id.* at 556 (internal quotation marks and citation omitted).

In reviewing a Rule 12(b)(6) motion, a court "must accept as true all of the factual allegations contained in the complaint" and must "draw all reasonable inferences [from those facts] in favor of the plaintiff." *E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc.*, 637 F.3d 435, 440 (4th Cir. 2011) (citations omitted); *Houck v. Substitute Tr. Servs., Inc.*, 791 F.3d 473, 484 (4th Cir. 2015). However, a court is not required to accept legal conclusions drawn from the facts. *See Papasan v. Allain*, 478 U.S. 265, 286 (1986). "A court decides whether [the pleading] standard is met by separating the legal conclusions from the factual allegations, assuming the truth of only the factual allegations, and then determining whether those allegations allow the court to reasonably infer" that the plaintiff is entitled to the legal remedy sought. *A Soc'y Without a Name v. Virginia*, 655 F.3d 342, 346 (4th Cir. 2011), *cert. denied*, 566 U.S. 937 (2012).

B. Analysis

Defendants seek dismissal of A.M.'s and J.M.'s claims on the basis that neither has asserted a claim for relief under 42 U.S.C. § 1983. The Court agrees. A.M. and J.M., though not parties to the Consent Order, have asserted

that the Consent Order allegedly violates their First Amendment rights by compelling them to notify appropriate third parties if T.M. becomes non-compliant with her prescribed medications and by requiring their dismissal of then-pending state and federal lawsuits. As Plaintiffs' counsel conceded during the TRO hearing, however, these allegations—or any facts to support them—are missing from the Complaint. *See* ECF 41-2 (Sept. 5, 2023, Hr'g Tr. at 4:10). J.M. and A.M. have not sought to amend the Complaint since that hearing. Plaintiffs extensively discuss their purported First Amendment claims in their briefs on Defendants' motion to dismiss, but it is axiomatic that Plaintiffs cannot amend their complaint through motions briefing. *See, e.g.*, *Zachair, Ltd. v. Driggs*, 965 F. Supp. 741, 748 n.4 (D. Md. 1997), *aff'd*, 141 F.3d 1162 (4th Cir. 1998). Accordingly, the Court must dismiss A.M.'s and J.M.'s claims without prejudice because they have failed to state plausible claims for relief in their Complaint.[5]

IV. CONCLUSION

For the reasons stated above, Defendants' Motion to Dismiss, ECF 40, is **GRANTED** with prejudice as to T.M.'s claims and without prejudice as to J.M.'s and A.M.'s claims. A separate Order follows, which will close this case.

Dated: July 23, 2024

/s/
Stephanie A. Gallagher
United States District Judge

[5] Even if Plaintiffs had alleged First Amendment claims in the Complaint, it is unlikely that J.M. and A.M. would be able to allege facts sufficient to support a plausible First Amendment claim or to support their standing in this case, given that the Consent Order is unenforceable against them as non-parties. *See Bacon v. City of Richmond*, 475 F.3d 633, 643 (4th Cir. 2007).

APPENDIX C

APPELLATE COURT OF MARYLAND

No. ACM-REG-878-2023

T.M., APPELLANT,

v.

BALTIMORE WASHINGTON MEDICAL CENTER, ET AL.,
APPELLEES

Filed: June 26, 2025

ORDER

On November 13, 2023, this Court stayed the above-captioned appeal pending further order of this Court. Upon consideration of the appellant's June 17, 2025 "Corrected Line" updating the Court as to the status of *T.M., et al. v. University of Maryland Medical System Corporation, et al.*, Case No. 24-1707 and requesting that this Court continue the stay of this appeal, it is this 26th day of June 2025, by the Appellate Court of Maryland,

ORDERED that the above-captioned appeal shall continue to be stayed pending further order of this Court; and it is further

ORDERED that the counsel for the appellant shall update this Court as to the status of this appeal and how

the parties propose to proceed within 90 days of the date of this Order if no petition for writ of certiorari is filed in the Supreme Court of the United States, or within 150 days of the date of this Order if a petition for writ of certiorari is filed in the Supreme Court.

/s/ Gregory Wells
Gregory Wells, Chief Judge